

REMARKS

This Amendment After Final is prepared in reply to the Office action mailed on 14 August 2007 (Paper No. 08). Applicant has amended claims 25, 28 and 30 by this Amendment. Claims 25-31 remain pending in this application.

Claims 25, 28, and 30 have been rejected under 35 USC 112 as failing to comply with the written description requirement for the reasons stated in section 2 on pages 2-4 of the Office Action.

While not necessarily agreeing with the Examiner, independent claims 25, 28, and 30 have been revised to now recite handing off the corresponding mobile station call to another cell upon a determination that the mobile station is not registered in the private radio mobile communications system.

This feature is clearly supported by the paragraph bridging pages 15 and 16 of the present application and the first complete paragraph on page 16 of the present application.

In view of the above, it is submitted that all of the claims now present in the application meet all of the statutory requirements of 35 USC 112 as to form.

Claims 25-30 have again been rejected under 35 U.S.C. §103 as obvious over Buttitta (U.S. Patent No. 5,913,166) in view of Bartle (U.S. Patent No. 6,018,655) for the reasons stated in sections 5 and 6 on pages 5-12 of the Office Action.

As noted in the first complete paragraph on page 6 of the Office Action, for example, the Examiner alleges that when "the mobile station (10) connects with the cellular system, **the mobile station (10) is not registered (or connected) with the private base station.** Therefore, the private base station does not just transmitted a warning tone to a mobile station not connected or registered. (Emphasis added)"

However, this does not correspond to the present recited invention in that it is inherent that the mobile station **must be connected**, that is, the first three recited limitations of claim 25, for example, **require connection** with the mobile station in order to determine frame quality and to determine whether the mobile station is registered in the private wireless communications system.

Furthermore, if the mobile station 10 of Buttitta is not connected with the private base station, the system of Bartle cannot detect information about the frame quality or compare the frame quality information with a power control parameter value of the system since the mobile station 10 is not connected.

Thus, it would not be obvious to combine the two references since the resultant combination would be inoperative.

With regard to the rejection of claims 30 and 31, the Examiner, in the beginning of section 6 on page 11 of the Office Action indicates that claims 30 and 31 are rejected under 35 U.S.C. §102 (b) as anticipated by Buttitta.

In any event, the rejection of claims 30 and 31 have the same deficiency noted above with regard to the other rejected claims and accordingly, it is submitted that claims 30 and 31 are also patentable over the applied references, taken either alone or combination.

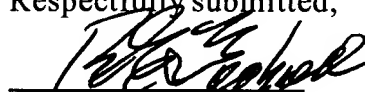
Furthermore, neither reference teaches or suggests handing off the corresponding mobile station call to another cell upon a determination that the mobile station is not registered in the private radio mobile communications system as now recited in independent claims 25, 28, and 30.

In view of the above, it is submitted that claims 25-31 are patentable over the cited art, taken either alone or in combination, and should therefore now be in a condition suitable for allowance.

No other issues remaining, reconsideration and favorable action upon all the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's undersigned attorney.

No fee is incurred by this Request for Reconsideration.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56258
Date: 10/23/07
I.D.: REB/HMZ